

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

NEW ENGLAND BIOLABS, INC.,

*Plaintiff and Counterclaim Defendant,*

v.

RALPH T. MILLER,

*Defendant and Counterclaim Plaintiff*

Case No. 1:20-cv-11234-RGS

RALPH T. MILLER

*Third Party Plaintiff,*

v.

COMMITTEE OF NEW ENGLAND  
BIOLABS, INC. EMPLOYEES' STOCK  
OWNERSHIP PLAN, PERSONAL  
REPRESENTATIVE OF DONALD COMB,  
JAMES V. ELLARD, RICHARD IRELAND,  
and BRIAN TINGER,

*Third Party Defendants*

and

NEW ENGLAND BIOLABS, INC.  
EMPLOYEE STOCK OWNERSHIP PLAN &  
TRUST

*Nominal Defendant*

**ORDER  
GRANTING UNOPPOSED MOTION OF  
DEFENDANT & CLASS COUNSEL'S TO  
APPROVE AGREEMENT REGARDING  
ATTORNEYS' FEES AND COSTS & AS  
TO DISTRIBUTION OF CLASS  
SETTLEMENT FUND**

This case came before the Court on Defendant and Counterclaim Plaintiff Ralph T. Miller ("Miller")'s Unopposed Motion to Approve Agreement Regarding Attorneys' Fees and Costs and to Distribute the Class Settlement Fund (the "Agreement") (ECF No. 223). Based upon the Court's review of the Motion and the Agreement, and this Court's continuing jurisdiction under paragraph 11 of the Court's order Granting Final Approval of the Class Action Settlement

Agreement (Doc. No. 213) and for good cause shown, the Court **GRANTS** the motion, approves the Agreement, and finds as follows:

1. **Payment of Attorneys' Fees & Costs.** The payment of \$295,000.00 to Class Counsel pursuant to the Agreement with respect to attorneys' fees and costs is approved in accordance with Fed. R. Civ. P. Rule 23(h).

2. **Distribution of the Class Settlement Fund.** The clarification and modification of distribution procedures of the Net Settlement Fund to the Class as set forth in Section IV of the Agreement is approved in accordance with Fed. Civ. P. Rule 23(e).

It is so ORDERED this 28th day of August 2023.

/s/ Richard G. Stearns, D.J.  
Hon. Richard G. Stearns  
United States District Judge